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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,048	01/28/2004	Charles E. Schiedegger	68,002-444	2284

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/766,048	Applicant(s) SCHIEDEGGER ET AL.	
	Examiner Chapman E. Jeanette	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>patnet copy w/annotations</u> . |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swanson (1150790) in view of Hansen (5274972).

Swanson discloses an assembly for mounting to a structure comprising:

1. a base 22 including
 - a. first and second sides
 - b. first and second base portions
 - c. the first base portion including a plurality of first portion rib 23
 - d. the at least one first portion rib having a generally u-shaped cross section and being located between the first and second sides; see annotations on patent copy
 - e. the first base portion including a plurality of first portion notch 24 located at each side
 - f. the notches are aligned with the ribs
 - g. the second base portion having a plurality of second rib 23 and a plurality of second portion planar surfaces adjacent the second portion ribs
 - h. the notches are aligned with the ribs

- i. the planar surfaces are located between a pair of ribs
 - j. the a plurality of second portion rib having a generally u shaped cross section and being located between the first and second sides
 - k. Each first and second base portions having a plurality of apertures for receiving a fastener. See figures 2 and 3
2. a cover 18 shown in figure 4
- a. the cover includes first and second sides
 - b. the cover portion being removable connectable with the base
 - c. the first cover portion having a removable inwardly facing projection 20 located on each side of the cover
 - d. Each projection corresponds to the notches
 - e. The first and second cover portions have blind recesses located at one each side of the cover
3. third base portion adjacent the second base portion
- a. the third base portion includes the rib, the notch, the u shaped cross section, the projections and the cover. See limitations above

Swanson lacks the base second portion having at least one second portion lug extending from each side and the cover including a blind recess corresponding to one of the said lugs. Hanson discloses a an assembly for mounting to a structure with a base portion 4 and a cover 6. Hansen discloses an assembly for mounting to a structure. Specifically Hansen's assembly comprises:

4. a base 4 including
 - a. the base portion including a rib 33/27
 - b. the rib having a generally u-shaped cross section and being located between first and second sides; the first base portion including a plurality of first portion notch 28/34 located at each side
 - c. the notches are aligned with the ribs
 - d. a surface is located between a pair of ribs
 - e. the base portion having a plurality of apertures, shown in figure 2 for receiving a fastener.
5. a cover 6
 - a. the cover includes first and second sides
 - b. the cover portion being removable connectable with the base
 - c. the first cover portion having a removable inwardly facing projection 26/39/38 located on each side of the cover
 - d. Each projection corresponds to the notches
 - e. The cover includes a blind recesses located at one each side of the cover, see opening s near projection 26, 39,38.

Hansen further discloses, the base second portion having a lug 30/35 extending from each side of the base and the cover including the blind recess corresponding to one of the said lugs. Though, the invention merely offers an alternative fastener means considered to be a matter of choice, one of ordinary skill in the art would have appreciated including the lugs to seal the attachment means of the base reference.

Response to Arguments

Applicant's arguments with respect to claims 10-17 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEANETTE E. CHAPMAN
PRIMARY PATENT EXAMINER
ART UNIT 3635
